

DAUGHERTY
CIVIL DOCKET

69-C-251

UNITED STATES DISTRICT COURT

Jury demand date: By plaintiffs - 10-10-69

D. C. Form No. 106A Rev.

| TITLE OF CASE | ATTORNEYS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>SOUTHEASTERN ENTERPRISES, INC., NATIONAL DIVERSIFIED INDUSTRIES, INC. and AZALEA MEATS, INC.</p> <p>vs</p> <p>JIMMIE J. RYAN, ✓ <i>- none</i> ELLIOTT FORBIS, ✓ <i>- Craig & Spearman</i> RAYMOND CONARD, ✓ H. G. BILL DICKEY, ✓ <i>- Pro se</i> KENNETH PARKER, ✓ <i>- out of</i> BENNIE C. GARREN, ✓ JAMES G. RODGERS, ✓ <i>- Pro se</i> CALVIN WAGGENER, ✓ HOMER KOON, ✓ REX R. RUDY, ✓ <i>- Cleve</i> MIKE O'CONNER, ✓ <i>and - Don Hays</i> WILLIAM PARKHURST, ✓ <i>- Don Hays</i></p> | <p>For plaintiff:</p> <p>✓ Jones, Givens & Gotcher 1700 Fourth National Bank Bldg. Tulsa, Oklahoma 583-1115</p> <p>✓ C. H. Spearman, Jr., 109 So. Broadway 73034 for Forbis Edmond, Okla.</p> <p>✓ Milton C. Craig, 820 Manvel Ave. Chandler, Okla. 74834</p> <p>✓ Jimmie J. Ryan, Galaxy Apartments Apt. 302, 835 West Rosecrans Gardena, Calif. 902</p> <p>✓ Truman B. Rucker, 6th & Frisco, Tulsa Rex R. Rudy, 7826 E. 22nd St. Pro Se Tulsa, Okla. 74129 Fitzgerald, Houston and Worthington Box 2, Stillwater, Okla. 74074</p> <p>For defendant:</p> <p>✓ Greer & Greer 205 Pythian Building Tulsa, Okla. 74103</p> <p>H. G. Bill Dickey & Margaret Lamm 201 Palace Building Tulsa, Okla. 74103</p> <p>Jack-Hays Jim Sturdivant Gable, Gotwals, Hays, Rubin & Fox Fourth Natl. Bank Bldg. 582-9201 Tulsa, Okla. 74119</p> <p>✓ Bert M. Grigg, Mayo Bldg., Tulsa, Okla. 582-7632 Keeran & Hauger, 4815 S. Harvard Suite 453, Tulsa, Ok. 74135 (Rudy) <i>74135</i> James G. Rodgers, pro se 4323 East 51st St., Apt. 404, Tulsa <i>74135</i></p> |

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|----------------------------------------------------------------|--------------|-------|---------------------|-------|-------|
| J.S. 5 mailed 11-1-69 | Clerk | 1969 | | | |
| | | 10-10 | Givens | 15 00 | |
| | | 10-16 | C/D 17 | | 15 00 |
| J.S. 6 mailed 6-1-71 | Marshal | | | | |
| Basis of Action: violation- Securities and Exchange Com. | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: | Depositions | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 10-10-69 | Complaint filed and summons issued. Demand for jury included. ds | |
| 10-27-69 | Return on service of summons, filed. Served William Parkhurst at Sedalia, Mo. on 10-16-69. (\$24.88) ds | |
| 10-29-69 | Return on service of writ, filed. Served Mike O'Conner at Sedalia, Mo. on 10-24-69. (\$24.64.) ds | |
| 11-3-69 | Application of defendant, Jimmie J. Ryan for extension of time in which to answer, filed. b | |
| 11-3-69 | Order filed, that defendant, Jimmie J. Ryan is granted 15 additional days in which to plead or answer, until 11-19-69. (MME-Clk.) b | |
| 11-3-69 | Amendment to complaint, filed. m | |
| 11-5-69 | Application for extension of time, and order extending time for defendant, Mike O'Conner, to 11-20-69, to answer, filed. (Cl) ds | |
| 11-5-69 | Application for extension of time, and order extending time for defendant, William Parkhurst, to 11-20-69, to answer, filed. (Cl) ds | |
| 11-13-69 | Return on service of summons filed. Served Jimmie J. Ryan at Tulsa, Oklahoma, on 10-15-69. (\$3.00) Served H. G. Bill Dickey at Tulsa, Okla, on 11-7-69. (\$5.64) Served Rex R. Rudy, Bennie C. Garren, Kenneth Parker and Raymond Conard, all at Tulsa, Okla, on 11-7-69. (\$14.88) ds | |
| 11-17-69 | Answer of the defendant, Elliott Forbis, filed. b | |
| 11-17-69 | Answer of the defendant, H. G. Bill Dickey, filed. b of deft. Raymond Conard | |
| 11-17-69 | Application for extension of time within which to plead or answer/and order extending time until 12-2-69, filed. (MME-Clerk)m | |
| 11-17-69 | Application of deft. Calvin Waggener for extension of time within which to plead or answer and order extending time until 12-2-69 for deft. Waggener to answer, filed. (MME-Clerk)m | |
| 11-17-69 | Application for extension of time within which to plead or answer and order extending time for deft. Homer Koon until 12-2-69, filed. (MME-Clerk)m | |
| 11-17-69 | Application for extension of time within which to plead or answer and order extending time for deft. Bennie C. Garren until 12-2-69, filed. (MME-Clerk)m | |
| 11-18-69 | Motion to dismiss of deft. Jimmie J. Ryan, filed. m <i>act</i> | |
| 11-18-69 | Brief in support of deft. Jimmie J. Ryan's motion to dismiss pursuant to Rule 12 (b) (1) and Rule 12 (b) (6), filed. m <i>act</i> (on 10-27-69) | |
| 11-18-69 | Return on service of summons, filed. Served Elliott Forbis at Davenport, Okla, and upon Calvin Waggener at Cashion, Okla, on 10-28-69. (\$36.20) ds | |
| 11-19-69 | Application for extension of time and order granting until 12-2-69 for Mike O'Conner and William Parkhurst to plead or answer, filed. (FD-J) ds | |
| 11-19-69 | Court directs plaintiffs reply to defendant's motion to dismiss, with brief, within 15 days of this date. (FD-J)g | |
| 11-25-69 | Application of Kenneth Parker for extension of time, to 12-12-69 within which to plea or answer, filed | |
| 11-25-69 | Order extending tim of defendant, Kenneth Parker, to 12-12-69, within which to plea or answer. (attached to application) (MME-Clerk) b | |
| 12-1-69 | Answer of defendant, Rex R. Rudy, filed. b | |
| 12-2-69 | Separate Answer of Wm. Parkhurst, filed. h | |
| 12-2-69 | Separate Answer of Mike O'Conner filed. h | |
| 12-2-69 | Separate Answer of Homer Koon filed. h | |
| 12-2-69 | Separate Answer of Calvin Waggener filed. h | |
| 12-2-69 | Separate Answer of Bennie C. Garren filed. h | |
| 12-2-69 | Separate Answer of Raymond Conard filed. h | |

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| 12-2-69 | Ordered by the Court that the plaintiff is granted until December 11, 1969 within which time to file reply, with brief, to defendant's motion to dismiss. (Fred Daugherty - Judge) b | |
| 12-11-69 | Plaintiffs' brief in answer to defendants' motion to dismiss of Jimmie J. Ryan, filed. b | |
| 12-12-69 | Answer of Kenneth Parker, filed. g | |
| 1-5-70 | Summons returned and filed - served James G. Rodgers, personally a true copy of summons and complaint at Tulsa, Oklahoma on 12-22-69. (Fee \$8.04) b | |
| 1-7-70 | Answer of Defendant, James G. Rodgers, filed. js | |
| 1-12-70 | Order filed, overruling defendant Jimmie J. Ryan's motion to dismiss and granting him 10 days from date within which to answer. (Fred Daugherty - Judge) b copies mailed. | |
| 1-19-70 | Subpoena, returned & filed: unserved, Jimmie J. Ryan not found in this district, 1-15-70. g | |
| 1-19-70 | Answer of defendant Jimmie J. Ryan, filed. m | |
| 3-6-70 | Plaintiffs notice of taking oral depositions, filed. b | |
| 3-16-70 | Ordered by the Court that this case is set for pre-trial on Tuesday, March 24th, 1970 at 1:30 P. M. (Fred Daugherty - Judge) b | |
| 3-19-70 | Ordered by the Court that this case is stricken from the pre-trial assignment of March 24, 1970. (Fred Daugherty - Judge) b | |
| 4-10-70 | Ordered by the Court that this case is set for pre-trial on Tuesday, April 28, 1970 at 10:00 A. M. (Fred Daugherty - Judge) b | |
| 4-16-70 | Notice of taking oral depositions, filed. m | |
| 4-21-70 | Interrogatories of defendants Conard, Garren, Waggener, Koon, O'Conner, and Parkhurst to the plaintiffs, filed. b | |
| 4-28-70 | Pre-trial hearing held. Plaintiff and defendant Parker request jury trial. Jefferson Greer denied permission to withdraw as counsel for Jimmie J. Ryan. Plaintiff to file requested instructions within 20 days and defendants to file requested instructions within 10 days thereafter. Case to be set on jury docket. (Fred Daugherty-Judge) b | |
| 5-5-70 | Deft. Kenneth Parker's motion for S/J, filed. m | |
| 5-5-70 | Memorandum brief in support of deft. Parker's motion for S/J, filed. m | |
| 5-6-70 | Defendant's notice of taking oral depositions, filed. ds | |
| 5-6-70 | Motion for order under Rule 45(d) (2) filed by defendants. ds (Affidavit attached) | |
| 5-6-70 | Application for extension of time to answer interrogatories filed, by plaintiff. h Order attached granting until 5-15-70 to answer. (FD-J)h | |
| 5-6-70 | Return on service of subpoena filed. Executed by serving Maurice Hamaker on April 16, 1970. h | |
| 5-6-70 | Return on service of subpoena filed. Executed by serving Preston Allison, at Houston Texas on April 16, 1970. h | |
| 5-7-70 | Letter from Judge Daugherty to Jack R. Givens dated 5-6-70 directing pltf's to respond to motion for S/J of deft. Kenneth Parker within 10 day from 5-6-70 & if motion is opposed, ordering that response be supported by a brief containing authorities, filed. (FD-J)m | |
| 5-11-70 | Order changing place of taking deposition, to West Palm Beach, Fla. filed. (FD-J) ds | |
| 5-14-70 | Plaintiffs' Answers to Interrogatories, filed. ds | |
| 5-14-70 | Plaintiffs' requested instructions, filed. ds | |
| 5-14-70 | Response to motion for summary judgment and brief in support thereof, filed. ds | |
| 5-15-70 | Deposition subpoena returned and filed: Served Andrew G. Griffith. e | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 5-20-70 | Notice of taking oral depositions, filed. (By defendants) ds | |
| 5-22-70 | Plaintiff's notice of taking oral depositions of Raymond Conard, filed. b | |
| 5-25-70 | Defendants' Conard, et al, requested instructions, filed. ds | |
| 5-26-70 | Response of defendant Kenneth Parker to answer brief of plaintiffs to defendant Parker's motion for summary judgment and brief in response thereto, filed. b <i>file mailed</i> | |
| 5-27-70 | Defendant Kenneth Parker's requested instructions, filed. b | |
| 6-1-70 | Defendants' Conard, et al., request for admission of facts under Rule 36, filed. b | |
| 6-9-70 | Depositions of Preston D. Allison and Maurice Edward Hamaker on behalf of plaintiffs, taken before Frank L. Peterson, CSR, filed. (\$124.00) b | |
| 6-10-70 | Defendants, Conard, et al., for admission of genuineness of document, filed. <i>mailed</i> | |
| 6-10-70 | Motion of defendants, Conard, et al., for summary judgment, filed. b <i>mailed</i> | |
| 6-10-70 | Brief of defendants, Conard, et al., in support of motion to dismiss (motion to dismiss a part of answers) and for summary judgment, filed. b <i>mailed</i> | |
| 6-11-70 | Supplemental answer brief to defendant Parker's motion for summary judgment, filed by plaintiffs. b <i>mailed</i> | |
| 6-11-70 | Plaintiffs' admission of facts under Rule 36 filed. h | |
| 6-18-70 | Supplemental brief of defendants, Conard, Koon, Garren, Waggener, O'Conner and Parkhurst in support of motion to dismiss and for Summary Judgment, filed. b <i>mailed</i> | |
| 6-22-70 | Request for admission of facts under Rule 36, by defendants Conard, Garren, Koon, Waggener, O'Conner & Parkhurst, filed. g | |
| 6-23-70 | Notice of taking oral deposition of H. G. Bill Dickey on 7-23-70, filed. g | |
| 6-29-70 | Ordered by the Court that the plaintiffs respond, with brief, to the defendants, Conard, Koons, Garren, Wagner, O'Conner and Parkhurst's motion for summary judgment, within 15 days from date. (Fred Daugherty-Judge) b | |
| 6-29-70 | Notice of taking oral depositions, filed. m | |
| 6-30-70 | Plaintiff's notice to take oral depositions, filed. b <i>mailed</i> | |
| 6-30-70 | Plaintiff's response to request for admission of facts under Rule 36, filed. b <i>mailed</i> | |
| 6-30-70 | Plaintiffs' answer brief to motions to dismiss and for Summary Judgment of defendants Conard, et al., filed. b <i>mailed</i> | <i>file mailed</i> |
| 7-7-70 | Reply brief of defendants Conard, et al., to answer brief of plaintiffs to motion to dismiss and for Summary Judgment, filed. b <i>mailed</i> | |
| 7-8-70 | Return of Civil Subpoena on H. G. Bill Dickey on July 6, 1970 at Tulsa, Oklahoma, filed. v | |
| 7-20-70 | Supplemental brief of deft. Kenneth Parker in support of his motion for S/J, filed. m <i>delivered</i> | |
| 7-20-70 | Notice of taking oral depositions on 8-17-70, filed. ds | |
| 7-20-70 | Notice of taking oral depositions on 7-31-70, filed. ds | |
| 7-28-70 | Notice of cancellation of deposition, filed. v | |
| 8-3-70 | Notice of taking oral depositions, filed. v | |
| 8-25-70 | Order filed and entered, granting summary judgment on defendant Kenneth Parker's motion and plaintiffs' action against defendant Kenneth Parker is dismissed. (Fred Daugherty-Judge) copies mailed b | |
| 8-27-70 | Deposition of H. G. Bill Dickey taken before Glen R. Dorrough, CSR on behalf of plaintiff on 8-6-70, filed. (\$110.00) b | |

(Continued on Page No. 5, Sheet No. 3)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 9-4-70 | Deposition of George Weinstein, taken on behalf of defendants, Conard, et al., on 5-28-70 before Frank L. Peterson, CSR at Tulsa, Oklahoma, filed. (Fee \$127.00 paid by defendants) b <i>mailed 9-10-70</i> | |
| 9-14-70 | Order filed, that motion of defendants Conard, et al for summary judgment and motion of defendant Conard, et al to dismiss (a part of answers) are each overruled. (Fred Daugherty - Judge) Copies mailed to counsel and Mr. Rodgers. b | |
| 9-17-70 | Motion for Leave Under Rule 14 (a), filed by defts., filed. to interplead. | |
| 9-17-70 | Brief in support of Motion under Rule 14, filed. to interplead. | |
| 9-17-70 | It is ordered that plft is granted 10 days from this date to respond to deft's motion for leave under rule 14(a) | |
| 9-23-70 | Plaintiffs' response to motion of defendants Conard, et al., for leave under Rule 14(a) and brief in support thereof, filed. b | |
| 9-28-70 | Minute Order: Ordered by the Court that the defendant, Raymond Conard, et al., enlighten the Court and establish the validity of their desired third party complaint under Rule 14. (Fred Daugherty-Judge) b | |
| 10-9-70 | Notice of taking oral depositions, filed. m | |
| 10-9-70 | Defendants' Conard, et al., notice of taking oral depositions, filed. b | |
| 10-13-70 | Deposition of Raymond B. Conard, on behalf of pltf's, taken on 6-23-70 before Frank L. Peterson, CSR, Notary Public for the State of Okla. (Fee \$73.00) Taken by Tulsa Reporting Service. filed. v | |
| 10-29-70 | Letter of James M. Sturdivant of 10-5-70 to Judge Daugherty citing cases on Motion under Rule 14, filed. b | |
| 10-29-70 | Order filed, that the defendants' motion for leave to file a Third-party complaint under Rule 14(a) FRCiv. P., 28 USCA is denied. (Fred Daugherty - Judge) copies mailed to counsel. b | |
| 11-17-70 | Notice of taking oral depositions, filed. g | |
| 11-20-70 | Motion of Leslie S. Hauger, Jr., of Keeran and Hauger to be released as attorneys of record for Rex R. Rudy, filed. b <i>mailed</i> | |
| 11-23-70 | Order filed, permitting Keeran and Hauger to withdraw as attorneys for Rex R. Rudy, filed. (Fred Daugherty - Judge) copies mailed counsel b | |
| 11-23-70 | Defendants, Conard, et al., request for admission of genuineness of documents, filed. b | |
| 11-25-70 | Defendants, Conard, et al., notice of taking oral depositions of Ira J. Weinstein, filed. b | |
| 11-30-70 | Motion of defendant, Rex R. Rudy for summary judgment, filed. b | |
| 11-30-70 | Brief for defendant Rex R. Rudy in support of his motion for summary Judgment, filed. b | |
| 12-3-70 | Ordered by the Court that the plaintiffs respond, with brief, to the defendant, Rex R. Rudy's motion for Summary Judgment within 15 days from date. (Fred Daugherty-Judge) b | |
| 12-14-70 | Request for Admission of Facts under Rule 36 filed by defendants, Conard, et al. h | |
| 12-14-70 | Deposition of Calvin L. Waggener, filed. (Fee: \$32.00 pd by pltf's.) m | |
| 12-18-70 | Plaintiffs' response to defendant Rudy's motion for Summary Judgment, and brief in support thereof, filed. Affidavit of Jack R. Givens, attached. b <i>mailed</i> | |
| 12-21-70 | Motion of defendants, Raymond Conard, et al., for production of documents under Rule 34, filed. b | |
| 12-31-70 | Civil Subpoena returned, filed - Warren R. Tompkins not found in NDO. b | |
| 12-31-70 | Civil Subpoena returned, filed - Rex R. Rudy not found in NDO. b | |
| 1-4-71 | Deposition of Robert S. Mier, filed. | |
| 1-4-71 | Deposition of Howard C. Stillwell, filed. b | |

(Continued on Page 6, Page No. 3)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 1-4-71 | Defendants Garren, et al., exhibits and notice of taking depositions filed. b | |
| 1-4-70 | Deposition of Joseph L. Usatite, filed. b | |
| 1-4-71 | Reply brief in support of defendant Rudy's motion for summary judgment, filed. ds <i>mailed</i> | |
| 1-4-71 | Notice of taking oral depositions of Warren R. Tompkins on 1-7-71, filed by the plaintiff. filed. v | |
| 1-4-71 | Notice of taking oral depositions of Rex R. Rudy on 1-7-71, filed by the Plaintiff. filed. v | |
| 1-4-71 | Notice of Cancellation of taking oral depositions of Warren R. Tompkins filed. r | |
| 1-4-71 | Notice of cancellation of taking oral depositions of Rex R. Rudy. Filed. v | |
| 1-4-71 | Ordered by the Court that the defendant Rex R. Rudy file a reply brief in support of his motion for summary judgment, (Fred Daugherty-Judge) b | |
| 1-7-71 | Order filed that the defendant Rex R. Rudy's motion for summary judgment is overruled. (Fred Daugherty-Judge) copies mailed b | |
| 1-8-71 | Case set for jury trial at 9:30 A.M., Monday, 2-22-71. (FD-J)g | |
| 1-11-71 | Defendants' Conard, Koon, Garren, O'Connor, Waggener and Parkhurst Second Interrogatories to plaintiffs, filed. g | |
| 1-11-71 | Ordered by the Court that this case is set for pre-trial hearing on Tuesday, January 26, 1971 at 2:30 P. M. (Fred Daugherty-Judge) b | |
| 1-11-71 | Plaintiffs' answer to request for admission of facts, filed. b | |
| 1-11-71 | Plaintiffs' notice of taking oral depositions of Rex R. Rudy, filed. b | |
| 1-12-71 | Order filed, permitting Jefferson G. Greer and Frank Greer to withdraw as attorneys for Jimmie J. Ryan, and that Jimmie J. Ryan is ordered to obtain new counsel and enter his appearance within 10 days or if he intends to represent himself in the case he file a statement within the 10 days. (Fred Daugherty - Judge) Copies mailed to all counsel, Ryan, Rodgers and Rudy. b | |
| 1-13-71 | Defendant Conard, et al.'s notice of taking oral depositions of George Weinstein, filed. b | |
| 1-15-71 | Defendants' request for admission of facts under Rule 36, filed. ds | |
| 1-15-71 | Defendants' notice of taking oral depositions, filed. Subpoenas issued. ds | |
| 1-19-71 | Return of Subpoena to produce document of object, at 12:00 P.M. Served Edward McKay, filed. r | |
| 1-20-71 | Answer of Defendant, James G. Rodgers, filed. r <i>mailed</i> | |
| 1-21-71 | Deposition subpoena to produce documents for defendant returned, filed - served Edward McKay at Tulsa, Okla. on 1-15, 1971 as shown by affidavit. b | |
| 1-21-71 | Defendants, Conard, et al for admissions, filed. b | |
| 1-26-71 | Pre-trial hearing held, defendants permitted to amend answer. Statements made. Ordered by the Court that parties exchange list of witnesses within 5 days including summary of testimony. (Fred Daugherty - Judge) | |
| 1-28-71 | Notice of taking oral depositions, filed. m | |
| 1-27-71 | Ordered by the Court that the certificate of service of the notice to take deposition is good; and unless the Court receives an affidavit from H. G. Bill Dickey within 10 days that he did not receive notice it will be considered good. (Fred Daugherty-Judge) b | |
| 1-29-71 | Deposition of William H. Moore, Jr., filed. g | |
| 2-1-71 | Defendants' list of witnesses to be called, filed. b | |

(Continued on Sheet No. 4, Page No. 7)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 2-1-71 | Plaintiffs' supplemental witness list, filed. b | |
| 2-1-71 | List of plaintiffs' witnesses, filed. b | |
| 2-2-71 | Defendants, Conard, et al., notice of taking oral depositions of Mr. Bob Kirschstein, filed. b | |
| 2--2-71 | Affidavit of Frank Peterson of service of subpoena upon George Weinstein, filed. b | |
| 2-2-71 | Affidavit of Joe Lemasters of service of deposition subpoena upon John J. Tanner, filed. b | |
| 2-2-71 | Notice of taking oral depositions W. Herbert Snead, filed. b | |
| 2-2-71 | Joe LeMasters; Affidavit of Service. filed. r | |
| 2-4-71 | Civil subpoena to produce documents or object returned, filed - served Raymond Conard on 2-2-71 at Tulsa, Okla. (Fee \$11.26) b | |
| 2-4-71 | Civil subpoena to produce documents or object returned, filed - served Illene Bennett on 1-28-71 at Tulsa, Okla. (Fee \$5.00) b | |
| 2-4-71 | Deposition subpoena returned, filed - served Illene Bennett on 1-28-71 at Tulsa, Okla., (Fee \$7.52) | |
| 2-4-71 | Amendments to separate answers of defts. Bennie C. Garren, Raymond Conard, Calvin Waggener, Homer Koon, Mike O'Connor & William Parkhurst, filed. m (Leave granted to file-(Fred Daugherty - Judge)) b | |
| 2-5-71 | (11:30 am) Notice of Taking Oral Depositions of James G. Rodgers on Feb 12, 1971 filed by defendants Conard, etc. h | |
| 2-5-71 | Notice of Taking Oral Deposition filed of Arthur G. Kearney in N.Y. filed by plaintiff. h (on 2-12-71) (on 2-12-71) | |
| 2-5-71 | Notice of Taking Oral Deposition of Wm. E. Brown at N.Y. filed by plaintiff. h | |
| 2-5-71 | Separate amended answer of Rex R. Rudy, filed. (Leage granted FD-J) b | |
| 2-8-71 | Deposition of Jimmie J. Ryan, taken by Rendel B. Hutchins, Los Angeles, Cal., filed. ds | |
| 2-8-71 | Deposition of Harold Michael O'Conner, on behalf of the Pltfs., taken on October 12, 1970, before Frank Peterson, CSR. Paid by Pltf. the sum of \$29.00. Filed. r | |
| 2-8-71 | Defendants Notice of Cancellation of Deposition of James G. Rogers, scheduled for 2-12-71. Filed. r | |
| 2-10-71 | Withdrawal of H. G. Bill Dickey as attorney of record for defendant Elliott Forbis, filed. b | |
| 2-10-71 | Deposition of Robert Edward McDay, taken before Thomas G. Bloxom, CSR at Tulsa, Oklahoma, on 1-20-71, filed. b | |
| 2-10-71 | Letter of 2-5-71 from Jack R. Givens to Judge Daugherty, filed. b | |
| 2-10-71 | Letter of 2-4-71 from Clee Fitzgerald to Judge Daugherty, filed. b | |
| 2-10-71 | Order filed that plaintiffs' objections to filing amended answer of defendant, Rex Rudy, is overruled and parties directed to file briefs on measure of damages. (Fred Daugherty - Judge) b | |
| 2-11-71 | Deposition of George J. Waas, taken by defendants on 12-9-70, filed. ds | |
| 2-11-71 | Plaintiffs' answers to Second Interrogatories, filed. r | |
| 2-11-71 | Affidavit of Dennis Botsko of service of subpoena on David Rolle, Receiver of Community National Life Ins. Co., at Tulsa on 2-11-71, filed. b | |
| 2-12-71 | List of witnesses to be called by defendant, H. G. Bill Dickey, filed. b | |
| 2-16-71 | Entry of appearance of C. H. Spearman, Jr., and Milton C. Craig for Elliott Forbis, filed. b | |
| 2-16-71 | Order permitting withdrawal of H. G. Bill Dickey as attorney for Elliott Forbis and substituting of Milton C. Craig and C. H. Spearman as his counsel, filed. (Fred Daugherty - Judge) b | |

(Continued on Sheet No. 4, Page No. 8)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 2-16-71 | Motion of Elliott Forbis for continuance of trial, filed. b <i>del.</i> | |
| 2-16-71 | Plaintiffs' Admission of Facts, filed. r | |
| 2-16-71 | Plaintiffs' Motion to Strike Defendant Dickey's List of Witnesses and Brief in support thereof, filed. r | |
| 2-16-71 | Defendants Notice of taking oral depositions of Mr. Tom Summers at 2:00 P.M. and 5:00 Pm. on 2-18-71. filed. r | |
| 2-18-71 | Affidavit of Dennis Botskow of service of subpoens on Paul Whalen, filed. b | |
| 2-18-71 | Defendants' Conard, et al., requested instructions, amended, filed. b | |
| 2-18-71 | Second amendment to the Answers of the defendants, Garren, Conard, Waggener, Koon, O'Connor and Parkhurst, filed. b <i>mailed</i> | |
| 2-19-71 | Deposition of W. Herbert Snead, taken at Dallas, Texas, before B. J. Davis, N. P., filed, on 2-17-71. b | |
| 2-19-71 | Supoena duces tecum returned, filed- served Tom Summers on 2-18-71 at Tulsa, Oklahoma. | |
| 2-19-71 | Plaintiffs' application to amend complaint and brief, filed. b | |
| 2-19-71 | Plaintiffs' motion for default judgment and brief in support thereof, filed, asbagainst Jimmie J. Ryan. | |
| 2-19-71 | Defendants' Conard, et al., supplemental requested instructions, amended, filed. b | |
| 2-19-71 | Defendants' Conard, et al, objections to plaintiffs' proposed instructions, filed. b | |
| 2-22-71 | Deposition of Bob Kirschstein, on behalf of defendants, taken 2-5-71, before Frank L. Peterson, N. P., filed. b | |
| 2-22-71 | Depositions of William E. Brown and Arthur G. Kearney, taken in New York, N. Y., filed. b | |
| 2-22-71 | Case called for trial, plaintiffs represented by Jack Givens; defendant J Jimmie J. Ryan not present and not represented; defendant Elliott Forbis present in person and not represented; defendants Raymond C. Conard, Bennie C. Garren, Calvin Waggener and Homer Koon are each represented by James M. Sturdivant; Mike O'Conner and William Parkhurst are each represented by James M. Sturdivant and Don Hopkins. H. G. Bill Dickey present in person representing himself; James G. Rodgers not present and not represented; Rex Rudy represented by James M. Sturdivant at the request of Mr. Fitzgerald. Parties present state the case has been settled as to all but Jimmie J. Ryan. It is ordered that the case is stricken from the jury trial assignment pending settlement. (Fred Daugherty - Judge) b | |
| 2-22-71 | Defendant, Jimmie J. Ryan adjudged to be in default. | |
| 2-22-71 | Plaintiffs' supplement to motion for default judgment against Jimmie J. Ryan, and brief in support thereof, filed. b | |
| 2-23-71 | Defendants, Conard, et al., objections to application to amend complaint and brief, filed. b | |
| 3-4-71 | Stipulation for dismissal as to Elliott Forbis, filed. (Approved J-D) | |
| 3-4-71 | Stipulation for dismissal as to Conard, Koon, Garren, Waggener, O'Connor and Parkhurst, filed. (Approved Judge Daugherty) b | |
| 3-4-71 | Stipulation for dismissal as to H. G. Bill Dickey, filed. (App. J-) b | |
| 3-4-71 | Stipulation for dismissal as to James G. Rodgers, filed. (App. J-D) b | |
| 3-4-71 | Stipulation for dismissal as to Rex R. Rudy, filed. (App. J-D) b | |
| 3-4-71 | Order of dismissal with prejudice, filed and entered, respecting certain defendants (except Jimmie J. Ryan; and Kenneth Parker). (Fred Daugherty - Judge) | |
| 3-4-71 | Motion of Bennie C. Garren to intervene under Rule 24 and brief, filed. <i>mailed 3-5</i> b | |

(Continued on Page 9, Sheet No. 5)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 3-9-71 | Supplemental brief in support of motion for default judgment and application to amend complaint, filed. <i>mailed</i> | |
| 3-16-71 | Order filed that the plaintiffs' application to amend complaint and brief is denied without prejudice the plaintiffs being permitted to allow any credit or credits to defendant Ryan, if appropriate, at the forthcoming hearing on the plaintiff's motion for default judgment against Ryan. (Fred Daugherty - Judge) copies mailed | |
| 3-16-71 | Order filed, the Court will not consider the motion to intervene (of Garren and the same is stricken from the record of this case for failure to comply with Rules of this Court and the FRof CP. (Fred Daugherty - Judge) b copies mailed | |
| 3-31-71 | Second Motion to intervene of Bennie C. Garren, filed. b <i>mailed</i> | |
| 3-31-71 | Brief in support of second motion to intervene of Bennie C. Garren, filed. b <i>mailed</i> | |
| 4-13-71 | Order filed and entered, that the Second Motion to intervene of Bennie C. Garren is denied. (Fred Daugherty - Judge) b copies mailed to Jack Givens and James Sturdivant. b | |
| 4-20-71 | Ordered that hearing on plaintiffs' application or motion and supplemental motion for default judgment against Jimmie J. Ryan is set on Monday, May 3, 1971 at 9:30 A. M. (Fred Daugherty - Judge) b | |
| 5-3-71 | Hearing held on plaintiffs' motion for default judgment against Jimmie J. Ryan, who is not present and not represented, adjudged in default. Ira Weinstein and Jack Givens sworn and testified. Plaintiff shall recover judgment from Jimmie J. Ryan in the sum of \$1,085,000.00 to be credited with \$569,000.00. (Fred Daugherty - Judge) b | |
| 5-5-71 | Journal Entry of Judgment filed and entered, that the defendant Jimmie J. Ryan is in default and that plaintiffs, Azalea Meats, Inc., and National Diversified Industries, Inc., have judgment entered against defendant Jimmie J. Ryan in the sum of \$516,000.00, and that plaintiff Southeastern Enterprises, Inc., should not recover judgment in this cause, all as per judgment. (Fred Daugherty - Judge) b copies mailed to Jack Givens, Jimmie J. Ryan and Jefferson Greer. b | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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